

A

Treaty Marine

Between

The Most Serene and Mighty PRINCE
CHARLES II.

by the Grace of God King of *England, Scotland,*
France, and Ireland, Defender of the Faith, &c.

And the

High and Mighty Lords the States
General of the

UNITED NETHERLANDS,

To be observed throughout and every the Countreys
and Parts of the World by Sea and Land,

concluded at *London* the First day of *Dec.* 1674. S.V.

Published by His Majesties Command.

A M S T E R D A M.

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A T R E A T Y M A R I N E.

ARTIC. I.

That it shall and may be lawful, for all and every the Subjects of the Most Serene and Mighty Prince, the King of *Great Britain* aforesaid, with all Freedom and Safety to Sail, Trade, and Exercise any manner of Traffique, in all those Kingdoms, Countreys, and Estates, which are, or at any time hereafter shall be in Peace, Amity, Neutrality with His said Majesty; So that they shall not be any ways hindred or molested in their Navigation or Trade, by the Military Forces, nor by the Ships of War, or any other kind of Vessels whatsoever, belonging either to the High and Mighty Lords the States General of the *United Netherlands*; or to their Subjects, upon Occasion or Pretence of any Hostility or Difference which now is, or shall hereafter happen between the said Lords the States General, and any Princes or People whatsoever, in Peace, Amity, or Neutrality with His said Majesty: And likewise, that it shall and may be lawful for all and every the Subjects of the said High and Mighty Lords the States General of the *United Netherlands*, with all Freedom and Safety to Sail, Trade, and Exercise any manner of Traffique in all those Kingdoms, Countreys, and Estates, which are, or at any time hereafter shall be in Peace, Amity, or Neutrality with the aforesaid Lords the States; So that they shall not be any ways hindred or molested in their Navigation or Trade, by the Military Forces, nor by the Ships of War, or any other kind of Vessels whatsoever, belonging either to the Most Sere-

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ne and Mighty King above mentioned, or to His Subjects, upon Occasion or Pretence of any Hostility or Difference, which now is, or shall hereafter happen between His said Majesty, and any Princes or People whatsoever, in Peace, Amity, or Neutrality with the said Lords the States.

II.

Nor shall this Freedom of Navigation and Commerce be Infringed, by Occasion or Cause of any War, in any kind of Merchandizes, but shall Extend to all Commodities which shall be carried in time of Peace; those onely Excepted which follow in the next Article, and are Comprehended under the Name of Contraband.

III.

Under this Name of Contraband or Prohibited Merchandizes, shall be comprehended onely Arms, Pieces of Ordnance, with all Implements belonging to them, Fire-balls, Powder, Match, Bullets, Pikes, Swords, Lances, Spears, Halberds, Guns, Mortar-pieces, Petards, Granadoes, Musquet-rests, Baneliers, Salt-petre, Musquets, Musquet-shot, Helmets, Corsets, Breast-plates, Coats of Mail, and the like kind of Armature, Soldiers, Horses, and all things necessary for the Furniture of Horses, Holsters, Belts, and all other Warlike Instruments whatsoever.

IV.

These Merchandizes following shall not be reckoned among Prohibited Goods, viz. all kind of Cloth; and all other Manufactures Woven of any kind of Wooll, Flax, Silk, Cotton, or any other Material; all sorts of Clothing and Vestments, together with the Materials whereof they use to be made; Gold and Silver, as well Coyned as not Coyned; Tin, Iron, Lead, Copper, and Coles; as also Wheat, Barley, and all other kind of Corn or Pulse; Tobacco, and all kind of Spices, Salted and Smoked Flesh, Salted and Dried Fish, Butter and Cheese, Beer,

Beer, Oyls, Wines, Sugars, and all sort of Salt; and in general, all Provision which serves for the Nourishment and Sustenance of Life; likewise all kind of Cotton, Hemp, Flax and Pitch; and Ropes, Sails and Anchors; also Mast and Planks, Boats and Beams of what sort of Wood soever, and all other Materials requisite for the building or Repairing Ships, but they shall be wholly reputed amongst Free Goods, even as all other Wares and Commodities which are not comprehended in the next precedent Article; So that the same may be freely Transported and Carried by the Subjects of His said Majesty, even unto Places in Enmity with the said States; as also on the other side, by the Subjects of the said States to Places under the Obedience of the Enemies of His said Majesty; Except onely Towns or Places Besieged, Environed, or Invested, in French *Blocques ou investies*.

V.

And that all manner of Differences and Contentions on both sides by Sea and Land, may from henceforth cease, and be utterly Extinguished, It is Agreed, That all kind of Ships and Vessels whatsoever, belonging to the Subjects of His said Majesty, entring, or being entred into any Road or Port under the Obedience of the Lords the States, and purposing to pass from thence, shall be onely obliged to shew unto the Officers acting in the Ports of the said States, or to the Captains of the States Ships, or of Private Men of War (if any happen there to be) their Passport, commonly called a Sea-brief (the Form whereof is added at the end of these Articles;) nor shall any Money, or any thing else, be exacted from them under that Pretence; But if any Ship belonging to the Subjects of His Majesty of *Great Britain*, shall in the open Sea, or elsewhere, out of the Dominions of the said States, meet the Ships of War of the said Lords the States, or Private Men of War of their Subjects, the said Ships of the Lords the States, or of their Subjects, shall keep at a convenient distance, and onely send out their Boat, and

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it shall be lawful for them onely with two or three Men, to go on Board the Ships and Vessels of the Subjects of His Majesty, that the Passport (or Sea-brief) of the Propriety thereof according to the Form hereafter specified, may be shewn to them by the Captain or Master of such Ship or Vessel belonging to the Subjects of His Majesty; and the Ship which shall shew the same, shall freely pass, and it shall not be lawful to Molest, Search, Detain, or Divert the same from her intended Voyage: And all the Subjects of the Lords the States shall enjoy in all things, the same Liberty and Immunity, they in like manner shewing their Passport (or Sea-brief) made according to the Form prescribed at the latter end of this Treaty.

V I.

But if any Ship or Vessel belonging to the *English*, or other Subjects of His Majesty, shall be met making into any Port in Enmity with the Lords the States; Or on the other side, if any Ship belonging to the United Provinces of the *Netherlands*, or other Subjects of the Lords the States, shall be met in her way making into any Port under the Obedience of the Enemies of His said Majesty, such Ship shall shew, not onely a Passport (or Sea-brief) according to the Form here under prescribed, wherewith she is to be furnished, but also her Cocquets expressing the Contents of the Goods on Board, given in the usual Form, by the Officers of the Customs in the Port from whence she came, whereby it may be known whether she is Laden with any Merchandizes Prohibited by the Third Article of this Treaty.

V I I.

But if by the shewing the abovesaid Cocquets expressing the Contents of the Goods on Board, given in the usual Form by the Officers of the Customs in the Port from whence she came, (concerning the shewing whereof it is above agreed) either Party shall discover any kind of Merchandizes, which in the Third Article of

his Treaty are declared to be Contraband or Prohibited, Consigned to any Port under the Obedience of their Enemies, it shall not be lawful to open the Hatches of such Ship in which the same shall happen to be found whether she belongs to the Subjects of His Majesty, or of the Lords the States; nor to unlock, or break open the Chests, Males, Packs, or Casks in the same, nor to convey away any the least part of the Merchandizes, before the whole be first Landed in the Presence of the Officers of the Admiralty, and Inventaried; neither shall be any ways lawful to Sell, Exchange, or otherwise to Alienate the same, until such Prohibited Goods are rightly and lawfully Proceeded against, and that the Judges of the Admiralty, have by their respective Sentences Confiscated the same: Provided always, That as well the Ship it self, as the rest of the Commodities found in the same, which by this Treaty are to be reputed Free, shall not upon pretence of their being infected by such Prohibited Goods; be Detained, much less Confiscated for lawful Prize; But if not the whole, but a part onely of the Lading consists of Contraband or Prohibited Commodities, and that the Master of the Ship shall be willing and ready to Deliver them to the Captor who Seized the same, in that Case the Captor shall not compel the Ship to go out of her Course, to any Port he thinks fit, but shall forthwith dismit her, and upon no Accompt hinder her from freely prosecuting her designed Voyage.

VIII.

It is further Agreed, That whatsoever shall be found Laden by His Majesties Subjects, upon any Ship whatsoever belonging to the Enemies of the Lords the States, although the same be not of the quality of Contraband Goods, may be Confiscated; But on the contrary, all that which shall be found in the Ship belonging to the Subjects of His Majesty, shall be accounted Clear and Free, although the whole Lading or any part thereof, by just Title of Propriety, shall belong to the Enemies

of the Lords the States; Except always Contraband Goods, which being Intercepted, all things shall be done according to the Meaning and Direction of the precedent Articles; And by the same reason, whatsoever shall be found Laden, by the Subjects of the Lords the States, in any Ship whatsoever belonging to the Enemies of His Majesty, although the same be not of the quality of Contraband Goods, may be Confiscated; But on the other side, all that which shall be found in the Ships belonging to the Subjects of the Lords the States, shall be accounted Clear and Free, although the whole Lading, or any part thereof, by just Title of Propriety, shall belong to the Enemies of His Majesty; Except always Contraband Goods, which being Intercepted, all things shall be done according to the Meaning and Direction of the precedent Articles. And lest any Damage should by Surprise be done to the one Party who is in Peace, when the other Party shall happen to be Engaged in War, It is Provided and Agreed, That a Ship belonging to the Enemies of the one Party, and Laden with Goods of the Subjects of the other Party, shall not infect or render the said Goods liable to Confiscation, in case they were Laden before the Expiration of the Terms and Times hereafter mentioned, after the Declaration or Publication of any such War; viz. If the Goods were Laden in any Port or Place between the Places or Limits called the *Soundings*, and the *Naz* in *Norway*, within the space of six Weeks after such Declaration; Of two Months between the said Place the *Soundings*, and the City of *Tangier*; and often Weeks in the *Mediterranean Sea*; Or within the space of eight Months, in any other Countrey or Place of the World; So that it shall not be lawful to Confiscate the Goods of the Subjects of His Majesty taken or seized in any Ship or Vessel whatsoever of any Enemy of the Lords the States, upon that Pretence, but the same shall be without delay restored to the Proprietors, unless they were Laden after the Expiration

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ation of the said Terms of Time respectively; But so
that it may not be lawful for them afterwards to carry to
Enemies Ports, the said Merchandises which are called
Contraband, and for the reason aforesaid shall not be lia-
ble to Confiscation; Neither on the other side, shall it
be lawful to Confiscate the Goods of the Subjects of the
said States, taken or seized in any Ship or Vessel
whatsoever of an Enemy of His Majesty, upon that Pre-
sence; but the same shall be forthwith restored to the Pro-
prietors thereof, unless they were Laden after the Expi-
ration of the said Terms of Time respectively; But so,
that it may not be lawful for them afterwards to carry to
Enemies Ports, the said Merchandizes which are called
Contraband, and for the reason aforesaid shall not be
liable to Confiscation.

IX.

And the more to assure the Subjects of His Majesty
and of the said States, that no Injury shall be offered to
them by the Ships of War, or Private Men of War of
either side, all the Captains of the Ships, as well of His
Majesty as of the said States, and all their Subjects
who shall set out Private Men of War, and likewise
their Priviledged Compagnies, shall be enjoyned not
to do any Injury or Damages whatsoever, to the other;
which of they do, they shall be punished, and moreo-
ver beliable to satisfy all Costs and Damages, by Restitu-
tion and Reparation, upon Pain and Obligation of Per-
son and Goods.

X.

For this cause all the Commanders of Private Men of
War, shall from henceforth be obliged before they re-
ceive their Commissions, to Enter before a competent
Judge, good and sufficient Security by able and respon-
sible Men, who have no Part or Interest in such Ship, in the
Sum of Fifteen hundred Pounds Sterling, or Sixteen
thousand five hundred Guilders; and when they have
above One hundred and fifty Men, then in the Sum of

Three thousand Pounds Sterling, or Three and thirty thousand Gilders, that they will give full Satisfaction for any Damages or Injuries whatsoever, which they or their Officers, or others in their Service shall Commit in their Courses at Sea, contrary to this Present Treaty, or any Other whatsoever, between His Majesty and the said States, and upon pain of Revocation and Annulling their said Commissions, in which it shall be always inserted, that they have given such Security as aforesaid; And likewise, it is Agreed, That the Ship it self shall be also liable to make Satisfaction for Injuries and Damages done by her.

XI.

His Majesty, and the said States being Desirous that the Subjects of each other may be mutually Treated in all Countreys under their Obedience respectively, with the like kindness as their own Subjects, will give all necessary and effectual Orders, that Judgments upon Prizes taken, be given according to the Rule of Justice and Equity, by Judges beyond all suspicion, and not any way concerned in the Cause under Debate; And His Majesty and the said States will likewise give strict Orders that all Sentences already given, and which shall be hereafter given, be (according to the Tenor thereof) duly put in Execution, and obtain their Effect.

XII.

And whensoever the Ambassadors of the said Lords the States, or any other their Publick Ministers, Resident at the Court of His Most Serene Majesty of Great Britain, shall complain of the unjustness of Sentences which have been given, His Majesty will cause the same to be Reviewed and Examined in His Council, that it may appear whether the Orders and Præcautions prescribed in this Treaty, have been Observed, and have had their due Effect, and will also take care that the same be fully provided for, and that Right be done to the Party complaining, within the space of three Moneths;
And

and likewise when the Ambassadors, or other Publick Ministers of His Majesty, Resident with the States General, shall complain of the unjustness of Sentences, the said States will cause a Review and Examination thereof to be made in the *Assembly* of the States General, that may appear whether the Orders and Præcautions prescribed in this Treaty have been Observed, and have had their due Effect, and they will likewise take care that the same be fully provided for, and that Right be done to the Party complaining, within the space of three Months: Nevertheless, it shall not any ways be lawful to Sell or Unlade the Goods in Controverſie, either before the Sentence given, or after it, during the Review thereof, on either ſide, unleſs it be with the Conſent of the Parties Interreſſed.

XIII.

A Suit being Commenced between the Takers of Prizes on the one Part, and the Claimers thereof on the other, and a Sentence or Decree being given for the Party Reclaiming, the ſaid Sentence or Decree (upon Security given) ſhall be put in Execution, notwithstanding the Appeal made by him that took the Prize, which ſhall not be Observed, in caſe the Sentence ſhall be given againſt the Claimers.

XIV.

And whereas the Maſters of Merchants Schips, and likewise the Mariners and Paſſengers, do ſometimes ſuffer many Cruelties and barbarous Uſages, when they are brought under the Power of Ships which take Prizes in time of war, the Takers in an inhumane manner Tormenting them, thereby to Extort from them ſuch Confeſſions as they would have to be made, It is Agreed, That both His Majesty, and the Lords the States General, ſhall by the ſevereſt Proclamations or Placacts, forbid all ſuch hainous and inhumane Offences; and as many as they ſhall by lawful Proofs find Guilty of ſuch Acts, they ſhall take care that they be Punished with due
and

and just Punishments, and which may be a Terror to others; And shall Command that all the Captains and Officers of Ships, who shall be proved to have committed such hainous Practises, either themselves or by Instigating others to Act the same, or by Conniving while they were done, shall (besides other Punishments to be Inflicted proportionably to their Offences) be forthwith deprived of their Offices respectively; And every Ship brought up as Prize, whose Mariners or Passengers shall have suffered any Torture, shall forthwith be Dismissed and Freed, with all her Lading, from all further Examination and Proceedings, against her, as well Judicial as otherwise.

XV. It is also Agreed, That the like severity of Punishments shall be inflicted upon those, who contrary to the meaning of the One and twentieth Article of the Treaty of Peace Cocluded at *Breda*, shall take Commissions from Enemies, to seize the Ships of either Ally (or Party) contrary to what is Provided in the said Article.

XVI. Lastly, It is Agreed and Concluded, That this present Treaty, and all and singular the Things therein contained, shall be with all convenient speed on both sides Ratified and Confirmed, and that the Ratifications thereof shall be within two Months from the Date hereof, Rightly and Rectroccally Exchanged between both Parties; And also that the said Treaty shall within one Month after such Exchanging of the Ratifications, be Delivered in Due and Authentique Form to the Governours of the English *East-India* and *Africa* Companies, and to the Directors of the Dutch *East* and *West-India* Companies, and shall with the first Conveniency be also Sent by said His Majesty, and by the said Lords the States, to their respective Governours and Commanders in Chief of their Colonies and Plantations in every part of the World out of *Europe*, to the end that it may be by them, and all others within their Dominions and under their Power, punctually Observed and Fulfilled.

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The Form of the Passport (or Sea-brief) to be asked of, and given by the Lord High Admiral, or by those to whom the Exercise of Admiralty-Jurisdiction is ordinarily Committed, or by the Mayor, or other Chief Magistrate, or by the Commissioners, or other Principal Officers of the Customs in their respective Ports and Places within His Majesties Dominions, to the Ships and Vessels Sailing out thence, according to the Purport of the Fifth Article.

TO all unto whom these Presents shall come, Greeting. We *Lord High Admiral of* We *Lords Commissioners Executing the Office of the Lord High Admiral of* or We *Judge of the High Court of the Admiralty of* or We *the Mayor, or other Magistrate of* or We *Commissioners, or Principal Officers of the Customs in the City or Port of* Do Testifie and make Known, That: Master, or Commander of the Ship called the *hath appeared.*

*peared before Us, and hath Declared by So-
lemn Oath, That the said Ship or Vessel Con-
taining about Tons, of which
he is at present Master or Commander, doth
belong to the Inhabitans of*

within the Dominions of the Most Serene and
Mighty Prince, the King of England, Scot-
land, France, and Ireland, Defender of the
Faith, &c. So help him God. And in regard
it would be most acceptable to Us, that the
said Master or Commander be Assisted in his
just and lawful Affairs, We do Request you,
wheresoever the said Master or Commander
shall Arrive with his Ship, and the Goods
Laden on Board and Carried in her, that you
would please to Receive him Courteously and
use him Kindly, and Admit him, upon Paying
the lawful and usual Customs and other Du-
ties, to Enter into, Remain in, and Pass from
your Ports, Rivers, and Dominions, and the-
re to Enjoy all kind of Right of Navigation,
Traffick, and Commerce, in all Places where
he shall think fit; Which We shall most wil-
lingly and readily acknowledge upon all Oc-
casions: In Testimony and Confirmation whe-
reof, We have with Our Hand Signed these
Presents, and caused them to be Sealed with
Our

Our Seal : Dated at _____ in
 the _____ day of _____ in the Year of Our
 Lord _____

The Form of the Passport (or Sea-brief) to
 be asked of, and given by the Burgerma-
 sters of the Cities and Ports of the *United
 Netherlands*, to the Ships or Vessels Sai-
 ling from thence, according to the Purport
 of the Fifth Article.

TO the most Serene, most Illustrious, most Migh-
 ty, most Noble, most Honourable, and most Pru-
 dent Emperours, Kings, Governours of Common-
 wealths, Princes, Dukes, Earls, Barons, Lords,
 Burger-masters, Schepens, Counsellors, Judges, Officers,
 Justices, and Rulers of all Cities and Places, as well
 Ecclesiastical as Secular, to whom these Presents shall
 be shewn; We the Burger-masters and Rules of the Cir-
 of _____ do Certifie, That

Master or Skipper of the Ship _____ appeared
 before Us, and Declared by Solemn Oath, That the said
 Ship called the _____ containing about

_____ Lasts, of which he is at present Master
 or Skipper, belongeth to the Inhabitants of the *United
 Netherlands*: So help him God. And in regard it
 would be most acceptable to Us, that the said Master or
 Skipper be Assisted in his just and lawful Affairs, We
 do Request you, and every of you, wheresoever the said
 Master or Skipper shall Arrive with his Ship, and

the Goods Laden on Board and Carried in her, that
 would please to Receive him courteously, and use him
 kindly, and admit him, upon paying the lawful and
 usual Customs and other Duties, to Enter into, Remain
 in, and Pass from your Ports, Rivers, and Dom
 nions, and there to enjoy all kind of Right of Naviga
 tion, Traffick, and Commerce, in all Places, where he
 shall think fit; Which We shall most willingly and rea
 dily acknowledge upon all Occasions: In Testimony and
 Confirmation whereof, We have caused the Seal of Our
 City to be hereunto put: Dated at in

the day of
 in the year of our Lord

IN Testimony and Confirmation of all and singu
 lar Premises, We the Commissioners of His Ma
 jesty, and the Lords the States General aforesaid,
 being sufficiently Impower'd thereunto, have to
 these Presents Subscribed Our Names, and Sealed
 them with Our Seals, At London, the First day of
 December. 1674.

Tho. Culpeper

G. Downing

Richard Ford

Will. Thomson

Iohn Follife

Iohn Buckworth.

I. Corver

G. Sautyn

Samuel Beyer

And, van Vossen

P. Duvelaer

M. Michielzen.

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